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**FOLEY & LARDNER LLP**  
**ATTORNEYS AT LAW**  
 11250 EL CAMINO REAL, SUITE 200  
 SAN DIEGO, CA 92130  
 P.O. BOX 80278  
 SAN DIEGO, CA 92138-0278  
 TELEPHONE: 858.847.6700  
 FACSIMILE: 858.792.6773  
 WWW.FOLEY.COM

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**Total # of Pages 45 (including this page)**

TO:	PHONE #:	FAX #:
Examiner S. Haq, Group Art Unit U.S. Patent and Trademark Office	(571) 272-6103	(571) 273-6103 and (571) 273-8300

From : Stephen E. Reiter <i>58</i>
Email Address : <a href="mailto:sreiter@foley.com">sreiter@foley.com</a>
Sender's Direct Dial : 858.847.6711
Date : October 14, 2005
Client/Matter No : 063391-0202
User ID No : 1877

**MESSAGE:**

Re: U.S. Patent Application No. 10/049,164

Following are:

- 1) Transmittal (3 pgs.)
- 2) Supplemental Communication and Affidavit Under 37 CFR 1.131 (41 pgs.)

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

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OCT 14 2005 Atty. Dkt. No. 063391-0202

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew Patricelli

Title: ACTIVITY BASED PROBE  
ANALYSIS

Appl. No.: 10/049,164

Filing Date: 10/21/2002

Examiner: S. Haq

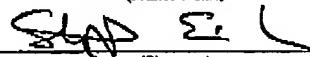
Art Unit: 1641

Conf. No. 6075

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Stephen E. Reiter

(Printed Name)



October 14, 2005

(Date of Deposit)

TRANSMITTAL

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Supplemental Communication in the above-identified application.

Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

Executed Affidavit Under 37 CFR 1.132 is enclosed.

The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	=	Extra Claims Present	x	Rate	=	Additional Claims Fee
Total Claims:	21	-	=	0	x	\$50.00	=	\$0.00
Independent Claims:	2	-	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:			+	\$360.00			=	\$0.00
CLAIMS FEE TOTAL							=	\$0.00

DLMR\_276410.1

In re application of  
 Matthew Patricelli  
 Application No.: 10/049,164  
 Page 2 of 3

Atty. Dkt. No. 063391-0202

[ ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ] Extension for response filed within the first month:	\$120.00	\$0.00
[ ] Extension for response filed within the second month:	\$450.00	\$0.00
[ ] Extension for response filed within the third month:	\$1,020.00	\$0.00
[ ] Extension for response filed within the fourth month:	\$1,590.00	\$0.00
[ ] Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
[ ] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
[X] Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:		\$0.00

[ ] Please charge Deposit Account No. 50-0872 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

[ ] A check in the amount of \$0.00 is enclosed.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

DLMR\_276410.1

In re application of  
Matthew Patricelli  
Application No.: 10/049,164  
Page 3 of 3

Atty. Dkt. No. 063391-0202

Please direct all correspondence to the undersigned attorney or agent at the address  
indicated below.

Respectfully submitted,

Date 10/14/05

By Steph E. L.

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6711  
Facsimile: (858) 792-6773

Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192

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OCT. 14. 2005 5:20PM

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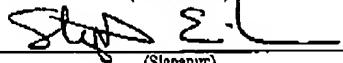
NO. 3574 P. 5/45

OCT 14 2005

Atty. Dkt. No. 063391-0202

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Matthew Patricelli  
Title: ACTIVITY BASED PROBE ANALYSIS  
Appl. No.: 10/049,164  
Filing Date: 10/21/2002  
Examiner: S. Haq  
Art Unit: 1641  
Conf. No. 6075

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
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 (Signature)	
_____ October 14, 2005 (Date of Deposit)	

**SUPPLEMENTAL COMMUNICATION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In further response to the Non-Final Office Action dated May 3, 2005, and in view of the telephone conference dated October 6, 2005, please consider the following amendments and remarks.

**Listing of Claims** begins on page 2 of this communication.

**Remarks** begin on page 8 of this communication.

DLMR\_276199.1